

BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date 4/21/04

Division

County Attorney

AGENDA ITEM WORDING

Authorization to initiate litigation to collect code enforcement fines that had been imposed against Marcos Caso and James Jeanquenat and for authorization of the County Attorney's office to negotiate settlements, if appropriate, in each cases.

ITEM BACKGROUND

Caso: On 11/19/03, the Code Enforcement Special Master imposed a daily fine (retroactive to 10/24/03) of \$100.00 against Mr. Caso's property on Stock Island for building a fence and awnings without a permit. As of 3/31/04, the fence was still in violation. On that date, the Special Master authorized the initiation of collection proceedings of the fine and costs which totaled \$16,100.00.

Jeanquenat: On 8/7/03, the Special Master imposed a daily fine (retroactive to 7/25/03) of \$500.00 per day for five violations of the code, i.e., trash & debris; no home occupational license; abandoned vehicles; abandoned watercraft; and set back violations. On 3/31/04, the Special Master authorized the initiation of collection proceedings because the violations had not been cured nor had the fine and administrative costs of \$125,600.00 been paid.

PREVIOUS RELEVANT BOCC ACTION None.

CONTRACT/AGREEMENT CHANGES None.

STAFF RECOMMENDATIONS

Approval

TOTAL COST

BUDGETED Yes No

COST TO COUNTY

SOURCE OF FUNDS

APPROVED BY: County Attorney ☒ OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:


JOHN R. COLLINS

DOCUMENTATION:

Included xx

To Follow ☐

Not Required ☐

AGENDA ITEM # _____

S4

MONROE COUNTY
OFFICIAL RECORDS

BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO. U4-03-88
(CE03040151)

JAMES T. JEANQUENAT

Respondent(s).

FILE #1397854
BK#1934 PG#790

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Master on June 26th 2003, after due notice to the Respondent(s), at which time the Special Master heard testimony under oath, received evidence, and issued his Order finding the Respondent(s) in violation of Monroe County Code Section(s): §8-30(a)(e) - Trash & Debris; §9.5-242(a)(4) - Home Occupational license required; §19-95 - Abandoned vehicles; §19-96 - Abandoned water craft; §9.5-281 - Setbacks;

Said Order required the Respondent(s) to correct the violation(s) by July 24th 2003, and further, that failure to correct the violation(s) by the compliance date may result in a fine of \$100.00, per day, per count, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Master held on July 31st 2003, Inspector Kerr testified that the violation(s) had not yet been corrected.

ACCORDINGLY, the Special Master finding that the violation(s) had not been corrected, as previously ordered, it is hereby:

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of \$500.00 (FIVE HUNDRED DOLLARS), per day, beginning July 25th 2003, and for each and every day thereafter that the violation(s) exist(s) and/or continue(s) to exist. Pursuant to Florida Statutes Section 162.07, a fine in the amount of \$100.00 (ONE HUNDRED DOLLARS) is hereby levied for the administrative recovery for prosecution and investigation.

THIS ORDER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION(S) EXIST(S) AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).

THE VIOLATION(S) EXIST(S) ON THE FOLLOWING DESCRIBED PROPERTY: LOT 51, PORT LARGO, KEY LARGO, MONROE COUNTY, FLORIDA (RE:00451820-000000)

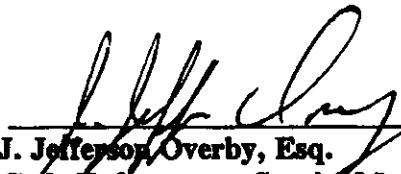
BCD Sep 23 2003 03:39PM
DANNY L KOLHAGE, CLERK

FILE #1397854
BK#1934 PG#791

Pursuant to Section 162.09, Florida Statutes, and may be recorded with the Clerk of the Courts for Monroe County, Florida.

That upon complying, the Respondent(s) shall notify the Code Inspector in this case, who shall reinspect the property and notify the Special Master of compliance.

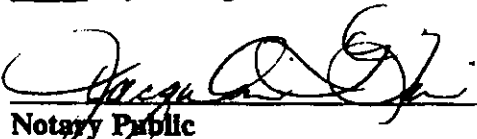
DONE AND ORDERED this 7th day of August, 2003, at the Monroe County Government Regional Center, Marathon, Florida.

BY 
J. Jefferson Overby, Esq.
Code Enforcement Special Master

**STATE OF FLORIDA
COUNTY OF MONROE**

I HEREBY CERTIFY that on this day, before me, on officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared J. Jefferson Overby, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

7th WITNESS my hand and official seal in the County and State last aforesaid this day of August, 2003.

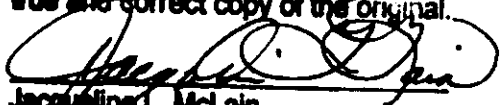

Notary Public



I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order Imposing Penalty/Lien has been furnished by U.S. Mail, to the Respondent(s) at 51 Bahama Avenue, Key Largo, FL 33037, this 8 day of August, 2003.


Jacqueline L. McLain,
Code Enforcement Liaison

I hereby certify this document to be a true and correct copy of the original.


Jacqueline L. McLain
Recording Secretary to the Special Master

MONROE COUNTY
OFFICIAL RECORDS

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA**

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO. CE03050192

MARCOS A. CASO

Respondent(s).
_____ /

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Master on August 22nd 2003, after due notice to the Respondent(s), at which time the Special Master heard testimony under oath, received evidence, and issued his Order finding the Respondent(s) in violation of Monroe County Code Section(s): §9.5-111(a) - A building permit is required for aluminum awnings and a fence;

Said Order, and/or subsequent orders, required the Respondent(s) to correct the violation(s) by October 23rd 2003, and further, that failure to correct the violation(s) by the compliance date may result in a fine in the amount of \$100.00, per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Master held on October 30th 2003, Inspector Norman testified that the violation(s) had not yet been corrected.

ACCORDINGLY, the Special Master finding that the violation(s) had not been corrected, as previously ordered, it is hereby:

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of **\$100.00 (ONE HUNDRED DOLLARS)**, per day, beginning October 24th 2003, and for each and every day thereafter that the violation(s) exist(s) and/or continue(s) to exist. Pursuant to Florida Statutes Section 162.07, a fine in the amount of **\$100.00 (ONE HUNDRED DOLLARS)** is hereby levied for the administrative recovery for prosecution and investigation.

THIS ORDER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION(S) EXIST(S) AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).

THE VIOLATION(S) EXIST(S) ON THE FOLLOWING DESCRIBED PROPERTY: D19 10TH AVENUE, STOCK ISLAND, MONROE COUNTY, FLORIDA (RE:00128860-000000)

Pursuant to Section 162.09, Florida Statutes, and may be recorded with the Clerk of the Courts for Monroe County, Florida.

That upon complying, the Respondent(s) shall notify the Code Inspector in this case, who shall reinspect the property and notify the Special Master of compliance.

DONE AND ORDERED this 18 day of November, 2003, at the Monroe County Government Regional Center, Marathon, Florida.

BY


J. Jefferson Overby, Esq.
Code Enforcement Special Master

**STATE OF FLORIDA
COUNTY OF MONROE**

I HEREBY CERTIFY that on this day, before me, on officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared J. Jefferson Overby, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

18 WITNESS my hand and official seal in the County and State last aforesaid this day of November, 2003.


Notary Public

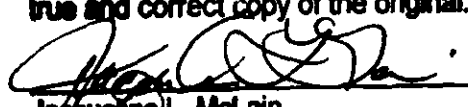


Jacqueline L. McLain
My Commission DD248670
Expires October 21, 2007

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order Imposing Penalty/Lien has been furnished by U.S. Mail, to the Respondent(s) by posting the subject property, since all mail has been returned and no address can be located in the public records, this 18 day of November, 2003.


Jacqueline L. McLain,
Code Enforcement Liaison

I hereby certify this document to be a true and correct copy of the original.


Jacqueline L. McLain
Recording Secretary to the Special Master

MONROE COUNTY
OFFICIAL RECORDS